

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GERALD E. LAMPKIN,)
Plaintiff,)
vs.) Case No. 08 C 00006
LOYOLA UNIVERSITY MEDICAL CENTER,) Judge Blanche M. Manning
Defendant.) Magistrate Judge Martin C. Ashman

**RESPONSE IN OPPOSITION TO PLAINTIFF'S
MOTION TO EXTEND DISCOVERY DEADLINE**

Defendant Loyola University Medical Center ("Loyola"), for its opposition to Plaintiff's request for an extension of the discovery deadline, states that Plaintiff has presented no compelling reason for extending discovery in light of his failure to diligently participate in the litigation of his own claim. In further support of its opposition to Plaintiff's motion, Loyola states:

1. On March 13, 2008, this Court entered an order adopting the discovery schedule submitted by the parties. That Order set a deadline to complete all discovery by September 30, 2008. Docket No. 19.
2. Loyola timely served initial interrogatories and requests to produce on May 13, 2008. At this Court's status conference on June 5, 2008, Counsel for Plaintiff, Armand Andry, requested that Counsel for Loyola, Rachel Urquhart, grant Plaintiff an extension to respond to discovery until June 19, 2008. Ms. Urquhart agreed to this extension. Plaintiff requested another extension until June 30, which Loyola granted, but Plaintiff failed to meet. On July 11,

2008, Loyola filed a motion to compel Plaintiff's compliance with outstanding discovery requests. Docket No. 24.

3. This Court granted Loyola's motion to compel in a minute notice issued on July 15, 2008, ordering Plaintiff to respond by July 31, 2008, and extending the discovery deadline for all parties, upon Plaintiff's request, by 30 days (i.e., to October 30, 2008). Docket No. 26.

4. Although Plaintiff provided some discovery responses by July 31, 2008, they were incomplete. In particular, Plaintiff failed to respond to discovery requests concerning his subsequent employment, and has still not disclosed his income earned since the end of his employment with Loyola, despite Loyola's requests for that information in its initial interrogatories and requests to produce served May 13, 2008, and in numerous requests, both in writing and in person, made on August 7, 8, 21, 25, and September 4, 2008. See Ex. 1.

5. On August 25, 2008, Loyola noticed Plaintiff's deposition for September 11, 2008. Counsel for Loyola had previously suggested to Plaintiff that, if Plaintiff is unable to attend a deposition during the business day due to his work schedule, that Plaintiff's deposition be scheduled in an afternoon continuing into the evening or a second afternoon. Plaintiff did not respond with any suggestions for alternative scheduling of his deposition so that the parties may timely comply with the Court's standing order that discovery be completed by October 30, 2008.

6. Plaintiff has served no discovery to date.

7. Plaintiff should not be rewarded for his lack of diligence in litigating his own case. The discovery deadline should remain October 30, 2008. Extending discovery, as Plaintiff has requested, will further prejudice the Court, as Judge Manning has already extended the dispositive motion briefing deadlines in this case once due to Plaintiff's first request for an

extension of the discovery deadline. Docket No. 30. Another extension to December 30, 2008 will require the Court to once again adjust and extend its schedule as the current briefing schedule requires that dispositive motion briefing begin December 9, 2008.

WHEREFORE, Loyola respectfully requests that Plaintiff's request for an extension of discovery deadlines be denied, and that Plaintiff further be ordered to respond to the outstanding discovery and to appear for deposition no later than October 10, 2008, in the event follow-up discovery is necessitated by Plaintiff's testimony.

Respectfully submitted,

LOYOLA UNIVERSITY MEDICAL CENTER

/s/Rachel S. Urquhart
One of the Attorneys for Defendant

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CERTIFICATE OF SERVICE

I, Rachel S. Urquhart, an attorney, hereby certify that on September 12, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Armand L. Andry at armandandry@hotmail.com

/s/Rachel S. Urquhart

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